IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.5012 of 2005 (O&M)

Date of decision : 26.9.2006.

Ram Babu Aggarwal & Anr.

.....Petitioners.

Versus

Lila Ram Yadav & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. J.P. Sharma, Advocate
for the petitioners.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order dated 8.8.2005 passed by the learned Addl. Civil Judge (Sr.Divn.), Narnaul, dismissing the application of the petitioners herein for being impleaded as party to the suit.

The contention of the learned counsel for the petitioners is that an agreement to sell was entered into between the petitioners and defendant No.10 on 5.7.2005 and the sale deed was drawn on 21.7.2005. It is not in dispute that the suit was filed on 16.7.2005 and, therefore, the sale deed in favour of the petitioners is subsequent to the filing of the suit and accordingly they stepped into the shoes of the vendor and does not have independent right to be impleaded as party.

The learned counsel for the petitioners relied upon the judgment of this Court in **Gurcharan Singh Versus S. Amarjit Singh and another** 2005(2) P.L.R. 603 to contend that the subsequent purchaser is a

necessary party. The reading of the said judgment shows that in the said case the applicant had purchased the property prior to the filing of the suit and, therefore, facts of that case do not apply to the present case.

Therefore, there is no error in the impugned order which may call for interference by this Court under Article 227 of the Constitution of India.

Dismissed.

September 26,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**